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Attorneys for the Warner Parties

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

FOURTH AGE LTD., *et al*,

Plaintiffs,

v.

WARNER BROS. DIGITAL  
DISTRIBUTION, *et al*,

Defendants.

Case No. 12-9912-ABC (SHx)

**DISCOVERY MATTER**

**SUPPLEMENTAL  
MEMORANDUM IN SUPPORT  
OF WARNER'S OPPOSITION  
TO TOLKIEN/HC PARTIES'  
MOTION FOR A PROTECTIVE  
ORDER RE: PRISCILLA  
TOLKIEN TRANSCRIPT**

**Judge:** Hon. Audrey B. Collins  
**Magistrate:** Hon. Stephen J. Hillman

WARNER BROS. DIGITAL  
DISTRIBUTION INC., *et al*,

Counterclaim  
Plaintiffs,

v.

FOURTH AGE LTD., *et al*,

Counterclaim  
Defendants.

**Hearing Date:** June 30, 2014  
**Hearing Time:** 2:00 p.m.

**Discovery Cut-Off:** July 29, 2014

1 The Court need only examine the redactions the Tolkien/HC Parties made to  
2 the Joint Stipulation to determine just how improper and unsupportable the  
3 Tolkien/HC Parties' proposed confidentiality designations to Priscilla Tolkien's  
4 deposition transcript are. The redactions underscore the Tolkien/HC Parties' abuse  
5 of the confidentiality designation and illustrate why the Tolkien/HC Parties' Motion  
6 for a Protective Order should be denied.

7 All of the redactions are inappropriate. For example, the first redaction does  
8 not even address Ms. Tolkien's testimony, but rather a conclusion that Warner drew  
9 from the named plaintiff's lack of information about the lawsuit. *See* Joint Stip. at  
10 4:23-24. The remaining redactions are also not applied to confidential, privileged,  
11 or private information. *See, e.g., id.* at 18:26-28. The Tolkien/HC Parties' position  
12 on confidentiality prevents Warner from addressing the redactions with any greater  
13 specificity, or else Warner would be forced to file this Supplemental Memorandum  
14 under seal. Warner, however, encourages the Court to review the redacted material  
15 to gain an understanding of the untenable position that the Tolkien/HC Parties are  
16 taking with respect to Ms. Tolkien's deposition.

17 For these reasons and the reasons set forth in Warner's portion of the Joint  
18 Stipulation, Warner respectfully asks this Court to enforce the terms of the parties'  
19 protective order, which only permits specific information to be designated as  
20 confidential, and deny the Tolkien/HC Parties' Motion for a Protective Order.

21 Dated: June 16, 2014

Respectfully Submitted,

O'MELVENY & MYERS LLP

24 By: 

25 Daniel M. Petrocelli  
26 Attorneys for the Warner Parties  
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